

NEVADA ENVIRONMENTAL COMMISSION

STATE FISCAL YEAR 1998

JULY 1, 1997 TO JUNE 30, 1998

QUARTERLY REPORTS

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**QUARTERLY REPORT  
NEVADA ENVIRONMENTAL COMMISSION  
PERIOD OF JULY THROUGH SEPTEMBER 1997  
1ST QUARTER STATE FY 1998**

The Nevada State Environmental Commission held one regulatory hearing during the quarter. The regulatory hearing resulted in the adoption of five permanent regulatory petitions previously adopted as temporary petitions and one new permanent petition. One appeal was scheduled for hearing during the quarter. It was a air quality violations for Wadsworth Gold Construction Company. This hearing was cancelled when a settlement was reached. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 1998.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 98 ***
SEC-005	Number of public hearings	1				1	6
SEC-007	Number of appeal hearings	0				0	6
SEC-006	Number of regulations adopted	6				6	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/6				0/6	4/10
SEC-011	Appeals scheduled vs appeals heard	1/0				1/0	10/6
SEC-012	Staff Information Responses within 3 days	43/43				43/43	140/140
	Number of ratification	1				1	-

\*\*\* - Performance Measures for State Fiscal Year 1998

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**ENVIRONMENTAL COMMISSION REGULATORY HEARINGS**

The Environmental Commission held one regulatory hearing on September 23, 1997 in Reno, Nevada at the Division of Wildlife conference room. Below is a summary of the adopted petitions.

**Petitions Adopted on May 29, 1997**

**Pet # Description of Petitions**

96019 R-032-97 Air Quality Alternative Fuel Program Credit Elimination  
96020 R-033-97 Corrective Action Cleanup Standards Reference Document  
97001 R-031-97 Solid Waste Management Class II Site Covering & Monitoring  
97002 R-027-97 Mining Water Pollution Control Fee Increases  
97003 R-028-97 Water Quality Laboratory Certification Warning Limits  
97005 R-106-97 Water Pollution General Permit for Rolling Stock

**Discussion of Adopted Petition**

- 1. Petition 96019 (LCB R-032-97)** amended NAC 486A.010 through 486A.250. The proposed regulation clarifies definitions in the Alternative Fuels program, and the credit program in NAC 486A.170 is repealed. A new section is added that exempts from program requirements counties with less than 100,000 persons. NAC 486A.180 expands reporting requirements.
- 2. Petition 96020 (LCB R-033-97)** amended NAC 445A.22705, Method E1739-95 as adopted by the American Society of Testing and Materials. The reference Method can be obtained from the Society directly rather than the Division of Environmental Protection. This proposed change includes the address and cost of acquiring the document "Method E1739-95".
- 3. Petition 97001 (LCB R-031-97)** amended NAC 444.685 to allow solid waste management authorities to waive the requirements of NAC 444.6851 to 444.6859, the provisions of financial assurance, to April 9, 1998.

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**4. Petition 97002 (LCB R-027-97)** amended NAC 445A.070 to 445A.348, Water Pollution Control, by amending the mining water pollution control fees in NAC 445A.232. The regulation adds new annual threshold categories for chemically processing mine solutions including less than 18,250 tons, 18,250 to 36,500 tons, 36,500 to 100,000 tons and two new categories greater than 500,000 to 2,000,000 tons. Annual fees are proposed to be increased in three increments over six years. The increments cover the period of State Fiscal Years (July 1st to June 30th) 1998 to 1999, 2000 to 2001 and 2002 to 2003. Original and Renewal fees are also increased once but will remain constant to fiscal year 2003.

**5. Petition 97003 (LCB R-028-97)** amended NAC 445A.055 to 445A.066, the Certification of Laboratories to Analyze Substances in Water, by amending the existing regulation to be more consistent with the Safe Drinking Water Acts laboratory certification program by replacing "warning limits" with "acceptance limits". Affected citations includes NAC 445A.057, 445A.060, 445A.061 and 445A.062.

**6. Petition 97005 (LCB R-106-97)** amended NAC 445A.266 by expanding the provisions of a general water pollution control permit to include rolling stock for the purpose of working in the waters of the state. In addition, the processing time for the permit shall not exceed 60 days and provisions are established that allows for public hearing upon the notice of intent. This regulation follows the instructions defined in Assembly Bill 594 of the 1997 Nevada Legislative Session.

## **APPEAL HEARINGS**

One appeal hearing was scheduled for the quarter. Wadsworth Golf Construction Company submitted two appeals. A hearing was scheduled for August 14, 1997, but it was continued to September 25, 1997. The hearing was cancelled on September 24, 1997. The hearing was formally public noticed and an agenda sent out to the public.

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**APPEAL REQUESTS**

Four appeal requests were received during this quarter. An appeal was received from Nevada Power Company on July 1, 1997. It related to an FOAV issued on May 28, 1997 regarding scrubber water evaporation ponds leaking into the ground water. The FOAV was issued by the Bureau of Water Pollution Control. The second appeal was from Newmont Gold Company regarding their release of process solution on June 6, 1997 into Maggie Creek. The FOAV was issued by the Bureau of Regulation and Reclamation. The appeal was received on July 10, 1997. This appeal was dissolved by a settlement reached in late September, 1997. The third and fourth appeals were received from Wadsworth Gold Construction company for three minor and one major air quality violations during their construction of a golf course north of Genoa, Nevada. These appeals were resolved by a settlement reached on September 24, 1997.

**SETTLEMENT RATIFICATION**

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1249/1250	Ames Construction Company	\$ 3,200	Elko
QUARTERLY TOTALS		\$ 3,200	
FISCAL YEAR 1998 TOTALS		\$ 3,200	

**OVERTIME ACCRUED**

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

**AS PREPARED BY**

David R. Cowperthwaite, Executive Secretary  
October 1, 1998

**QUARTERLY REPORT  
NEVADA ENVIRONMENTAL COMMISSION  
PERIOD OF OCTOBER THROUGH DECEMBER 1997  
2ND QUARTER STATE FY 1998**

The Nevada State Environmental Commission held one appeal hearing, in the matter of Western Elite vs the Bureau of Waste Management during the quarter. No regulatory hearings were held, although the Commission's regulatory hearing for January 22, 1998 was planned and noticed during the quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 1998.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 98 ***
SEC-005	Number of public hearings	1	0			1	6
SEC-007	Number of appeal hearings	0	1			1	6
SEC-006	Number of regulations adopted	6	0			6	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/6	0/0			0/6	4/10
SEC-011	Appeals scheduled vs appeals heard	1/0	2/1			3/1	10/6
SEC-012	Staff Information Responses within 3 days	43/43	22/20			65/63	140/140
	Number of ratification	1	0			1	-

\*\*\* - Performance Measures for State Fiscal Year 1998

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**ENVIRONMENTAL COMMISSION REGULATORY HEARINGS**

The Environmental Commission did not hold a regulatory hearing during this quarter. A regulatory hearing has been planned and noticed for January 22, 1998 in Las Vegas. Below is a listing of regulations sent to the Legislative Counsel Bureau for drafting.

97004 R-105-97 Air Quality Operating Permit Program streamlining  
97006 R-107-97 Waste Management Hazardous Waste Facility Fee Reduction  
97007 R-201-97 Environmental Audits for NDEP Statutory Programs  
97008 R-202-97 Hazardous Waste Update to 40 CFR Reference to July 1, 1997  
97009 R-204-97 Air Quality Municipal Solid Waste Landfill air reporting  
97010 R-205-97 Air Quality I/M Restored Vehicle exemption definition

**APPEAL HEARINGS**

One appeal hearing was held for the quarter. An appeal hearing was held in Las Vegas between the Bureau of Waste Management and Western Elite. The matter was in regard to the revocation of Western Elites salvage yard operation in Lincoln county. The Commission upheld the Division of Environmental Protection's Finding of Alleged Violation and Order on October 23, 1997. Below is a summary of the appeal action.

On September 22, 1997, pursuant to Nevada Revised Statute (NRS) 444.592, the Division of Environmental Protection, Bureau of Waste Management revoked the permit of Western Elite Inc. - Approval to Operate a Salvage Yard in Lincoln County. This authorization was issued by the Division on February 5, 1997 in accordance with Nevada Administrative Code (NAC) 444.674. In an Order issued on September 22, 1997, the Division alleges that Western Elite failed to comply with applicable state solid waste management regulations at its waste salvage yard located in Lincoln County, Nevada. On April 22, 1997, pursuant to NRS 444.553, NAC 444.6405, 444.644, 444.674 and 444.676, the Division issued a Finding of Alleged Violation and Order to Western Elite Inc. for operating a solid waste disposal site for construction debris without a permit. A hearing was scheduled for August 14, 1997, but it was continued to September 25, 1997. The hearing was cancelled on September 24, 1997. The hearing was formally public noticed and an agenda sent out to the public.

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**OTHER BUSINESS ITEMS**

Two unusual requests were received during the quarter for action by the Commission on January 22, 1998. A hazardous waste facility variance request was received by the Commission from Day/Zimmerman Hawthorne and an exceptional air quality event exceedance exceptions was received from the Bureau of Air Quality. Below is a summary the proposed actions.

The Nevada Environmental Commission pursuant to NAC 444.8476 received a request on November 6, 1997 from Day & Zimmerman Hawthorne Corporation, the operations contractor for the Hawthorne Army Depot, for a variance application from NAC 444.8456(1)(d). This is in regards for the proposed plasma ordnance demilitarization system. The variance application concerns the proximity of groundwater beneath the proposed ordnance demilitarization system. NAC 444.847 through 444.8482 provides for the Environmental Commission to act upon variance requests. The variance application has been reviewed by the Nevada Division of Environmental Protection. The divisions recommendation is for approval of the variance request. NAC 444.8478 provides for a thirty day public notice and comment period.



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The Nevada Environmental Commission pursuant to NAC 445B.254 may provide an exemption for a person, government, governmental agency or political subdivision from the provisions of NAC 445B.001 to 445B.395 for an exceptional air quality event. The Division of Environmental Protection is requesting that the Commission declare four exceedances of the National Ambient Air Quality Standards for particulate matter (PM10) exceptional events under NAC 445B.254(3)(1) due to high winds or the cleanup of silt deposited during the floods in January 1997. These exceedances occurred in Carson City, Battle Mountain, Lovelock and McGill, Nevada. This designation would allow the Division to exclude these data from use in regulatory actions, attainment designations, and the requirement to develop control strategies.

**SETTLEMENT RATIFICATION**

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # N/A	No ratifications during the quarter	\$ 0	
QUARTERLY TOTALS		\$ 0	
FISCAL YEAR 1998 TOTALS		\$ 3,200	

**OVERTIME ACCRUED**

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

**AS PREPARED BY**

David R. Cowperthwaite, Executive Secretary  
January 2, 1998

**QUARTERLY REPORT  
NEVADA ENVIRONMENTAL COMMISSION  
PERIOD OF JANUARY THROUGH MARCH 1998  
3RD QUARTER STATE FY 1998**

The Nevada State Environmental Commission held two regulatory hearings during the quarter. Both hearings were held in Las Vegas during the quarter. The regulatory hearings were held on January 22, 1998 and March 25, 1998. The Commission acted on nine regulatory petitions and eleven air quality ratifications totaling \$ 48,900 in this quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 1998.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 98 ***
SEC-005	Number of public hearings	1	0	2		3	6
SEC-007	Number of appeal hearings	0	1	0		1	6
SEC-006	Number of regulations adopted	6	0	9		15	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/6	0/0	0/9		0/15	4/10
SEC-011	Appeals scheduled vs appeals heard	1/0	2/1	0/0		3/1	10/6
SEC-012	Staff Information Responses within 3 days	43/43	22/20	58/55		123/118	140/140
	Number of ratification	1	0	11		12	-

\*\*\* - Performance Measures for State Fiscal Year 1998

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SFY 1998 3rd QUARTER REPORT  
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**ENVIRONMENTAL COMMISSION REGULATORY HEARINGS**

The Environmental Commission held two regulatory hearings during the quarter. A total of nine petitions were adopted, with one petition (98002 - Solid Waste Financial Assurance for Private and Public Facilities) tabled at the March 25, 1998 hearing. Below is a summary of petitions adopted by the Commission.

- 1. Petition 97010 (LCB R-205-97)** proposes to permanently amend NAC 445B.400 to NAC 445B.775 by adding a new section regarding the definition of restored vehicles and for provisions allowing restored vehicles to be exempt from the vehicle emission programs in Clark and Washoe county. **(January 22, 1998)**
- 2. Petition 97007 (LCB R-201-97)** proposes to amend Nevada Administrative Code (NAC) 445C to add regulations pertaining to allowing individuals and companies to conduct environmental audits in cooperation with regulatory agencies. The regulations provide for the consideration of reductions in penalties for criminal violations and the elimination of sanctions for civil and administrative actions. The proposed regulations define the audit agreement contents, scope and post audit reporting requirements. **(January 22, 1998)**
- 3. Petition 97008 (LCB R-202-97)** proposes to permanently amend hazardous waste regulations NAC 444.84275, 444.84275 and 444.8632 by amending the reference to federal regulations as they existed on July 1, 1997, and to amend NAC 444.8632 to adopt 40 C.F.R. Parts 2, Subpart A, 124, Subparts A and B, Parts 260 to 270, and Part 279 as those parts exist on July 1, 1997. The new regulations provide for increased public participation in facility permitting processes, identify when military munitions become a RCRA hazardous waste, and provide for their safe storage and transport. The federal revisions also include clarification of CESQG disposal options, additional test methods, technical corrections, and industry treatment standards for the management of hazardous waste. The proposed amendments also revise the state definition of hazardous waste (NAC 444.8565) and container labeling requirements (NAC 444.8671) to make them more consistent with federal regulations. Proposed amendments to current antifreeze regulations consist of amendments to NAC 444.9452 to adopt 40 C.F.R. as it existed on July 1, 1997, and technical corrections to NAC 444.8886 and NAC 444.8951. **(January 22, 1998)**
- 4. Petition 97009 (LCB R-204-97)** proposes to permanently amend NAC 445B by establishing a new section to govern municipal solid waste landfills annual reporting of nonmethane organic compound emissions, the process for planning and installing air emission collection and control equipment. This regulation is based on 40 C.F.R. Parts 60.30(c) to 60.36(c) and amends NAC 445B.001 to 445B.395. **(January 22, 1998)**

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**5. Petition 97004 (LCB R-105-97)** amends NAC 445B.001 to 445B.395 by adding a new provision for a stationary source to request a revision for a air quality Class II operating permit. In addition, NAC 445B.011 is revised to reference the NRS. NAC 445B.019, "applicable requirement" is re-defined to delete temporary source; NAC 445B.094 amends the definition of major source to exclude mobile sources as defined under Title II of the Federal Clean Air Act; and NAC 445B.221 is amended to add various subparts for New Source Performance Standard Industrial-Commercial-Institutional Steam Generating Units, Municipal Landfills, dry cleaners, chrome anodizing tanks, industrial process cooling towers, halogenated solvents, wood furniture manufacturing, printing and publishing, tanks, containers, surface impoundments, individual drain system and oil or organic water separators. The term "modification" is supplanted with the term "revision" from NAC 445B.001 to NAC 445B.395. NAC 445B.321 is proposed to be amended to add thresholds in defining minor revisions for Class I operating permits. It is proposed that NAC 445B.024, 445B.025, 445B.026, 445B.039, 445B.040, 445B.089, 445B.100, 445B.101, 445B.150, 445B.238, 445B.240, 445B.241, 445B.243, 445B.244, 445B.245, and 445B.367 be repealed. **(January 22, 1998)**

**6. Petition 97006 (LCB R-107-97)** amends NAC 444.8452 "Additional fees to offset cost of inspection and other regulation: Payment; accounting; penalty for unpaid fee." The proposed amendment adjusts the fees charged for disposal and treatment of hazardous waste to make rates at the state owned Beatty facility comparable to California rates. Fees for importation of hazardous waste, not federally regulated, are reduced and fees for treatment are retained at \$ 5.00 dollars per ton. **(January 22, 1998)**

**7. Petition 98001 (LCB File No. R-033-98)** is a proposed permanent regulation amending NAC 445B.590 to require that a waiver from the provisions of NAC 445B.596, the vehicle emission inspection and maintenance program, be increased from \$ 100 for self repair and \$ 200 for shop repair to \$ 450 and that the receipt for parts and services be from an authorized station. The provision to credit waiver expenditures for owner self repair of a vehicle is proposed to be repealed. The proposed amendments are required by the U.S. Environmental Protection Agency to be in effect by 1998 for the enhanced Inspection and Maintenance emission test program. **(March 25, 1998)**

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**8. Petition 98003 (LCB File No. R-035-98)** is proposed to permanently amend NAC 444.570 to 444.7499 by adding new provisions relating to solid waste public storage bin facilities and transfer stations. The regulations establish a process for application for approval criteria for transfer stations including the transfer design report, operating plan, design standards, and operating standards. Standards for public storage bins are established. NAC 444.666 is proposed to be amended to remove the provision requiring all-weather roads for approach and exit to transfer stations. NAC 444.628 is proposed to be amended to establish alternative frequencies for monitoring at Class II landfill sites. NAC 444.688 is proposed to be amended to define "operating day" for determining the necessary frequency and criteria for covering landfill sites. NAC 444.7175 is proposed to be amended to provide for alternative requirements for infiltration barriers at Class II sites. NAC 444.747 is proposed to be amended to provide record keeping criteria for Class III landfill sites. **(March 25, 1998)**

**9. Petition 98004 (LCB File No. R-036-97)** is proposed to permanently amend NAC 445B.321, minor revisions to Class I air quality operating permits, by clarification of the comment period for Class I minor revisions. This regulation will amend Section 28 of petition 97004, LCB file R-105-97, as adopted by the Environmental Commission January 22, 1998. **(March 25, 1998)**

**Non Regulatory Items**

**1.** The Nevada Environmental Commission pursuant to NAC 444.8476 received a request on November 6, 1997 from Day & Zimmerman Hawthorne Corporation, the operations contractor for the Hawthorne Army Depot, for a variance application from NAC 444.8456(1)(d). This is in regards for the proposed plasma ordnance demilitarization system. The variance application concerns the proximity of groundwater beneath the proposed ordnance demilitarization system. NAC 444.847 through 444.8482 provides for the Environmental Commission to act upon variance requests. The variance application has been reviewed by the Nevada Division of Environmental Protection. The division's recommendation was for approval of the variance request. NAC 444.8478 provides for a thirty day public notice and comment period. **(Approved by the Commission on January 22, 1998)**

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2. The Nevada Environmental Commission pursuant to NAC 445B.254 may provide an exemption for a person, government, governmental agency or political subdivision from the provisions of NAC 445B.001 to 445B.395 for an exceptional air quality event. The Division of Environmental Protection is requesting that the Commission declare four exceedances of the National Ambient Air Quality Standards for particulate matter (PM10) exceptional events under NAC 445B.254(3)(1) due to high winds or the cleanup of silt deposited during the floods in January, 1997. These exceedances occurred in Carson City, Battle Mountain, Lovelock and McGill, Nevada. This designation would allow the Division to exclude these data from use in regulatory actions, attainment designations, and the requirement to develop control strategies. **(Approved by the Commission on January 22, 1998)**

3. The Environmental Commission reviewed and adopted the Colorado River Salinity Control Forum's 1996 Review of Water Quality Standards for Salinity. Section 303 of the Clean Water Act requires water quality standards be reviewed from time to time. The Colorado River Salinity Control Forum, composed of seven states in the Colorado River Basin, recommends no change in the numeric salinity criteria at the three lower main reaches of the Colorado River. The 1996 review presents recommended revisions to the plan of implementation based upon hydrologic conditions and water use within the Colorado River Basin. **(Adopted by the Commission on March 25, 1998)**

4. The Environmental Commission reviewed its Rules of Practice (NAC 445B.875 to 445B.899) pursuant to NRS 233B.050, subsection d. After the reviewing the Commission conducted a workshop pursuant to NRS 233B.061 regarding the development of possible regulations regarding the Rules of Practice, including such topics as management of appeals before the Commission and other relevant matters as may be defined upon the review of the Rules of Practice. **(Review approved by the Commission on March 25, 1998)**

#### **APPEAL HEARINGS**

No appeal hearings were held in this quarter.

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**SETTLEMENT RATIFICATION**

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1244	Day & Zimmerman Hawthorne Corp.	\$ 2,400	Mineral
NOAV # 1288	Echo Bay Minerals	\$ 2,000	Lander
NOAV # 1261	Nevada Cement Company	\$ 5,500	Lyon
NOAV # 1252, 1253, 1269 & 1273	Little Mondeaux Limousin Corp.	\$ 3,875	Douglas
NOAV # 1276	H.E. Hunewill Construction Company	\$ 500	Humboldt
NOAV # 1279	T.G. Sheppard Construction Company	\$ 500	Humboldt
NOAV # 1270	Granite Construction Company	\$ 12,000	Lyon
NOAV # 1289 & 1290	Continental Lime Inc.	\$ 500	Elko
NOAV # 1293 & 1294	Arimetco Inc.	\$ 12,125	Lyon
NOAV # 1297 & 1298	A & K Earthmovers Inc.	\$ 1,500	Churchill
NOAV # 1301, 1302 & 1303	Granite Construction Company	\$ 8,000	Lyon
QUARTERLY TOTALS		\$ 48,900	
FISCAL YEAR 1998 TOTALS		\$ 52,199	

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**OVERTIME ACCRUED**

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

**AS PREPARED BY**

David R. Cowperthwaite, Executive Secretary

April 9, 1998



**QUARTERLY REPORT  
NEVADA ENVIRONMENTAL COMMISSION  
PERIOD OF APRIL THROUGH JUNE 1998  
4TH QUARTER STATE FY 1998**

The Nevada State Environmental Commission held one regulatory hearing and a field trip during the quarter. The hearing and field trip were held in Las Vegas during the quarter. The regulatory hearing was held on June 17, 1998 and the field trip on June 16, 1998. The Commission acted on two regulatory petitions and two air quality ratifications. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 1998.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 1998 ***
SEC-005	Number of public hearings	1	0	2	1	4	6
SEC-007	Number of appeal hearings	0	1	0	0	1	6
SEC-006	Number of regulations adopted	6	0	9	2	17	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/6	0/0	0/9	0/2	0/17	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	1/0	2/1	0/0	1/0	4/1	10/6 ***
SEC-012	Staff Information Responses within 3 days	43/43	22/20	58/55	27/24	150/142 95 %	140/140 ***
	Number of ratification	1	0	11	2	14	-

\*\*\* - Reported upon Performance Measures for State Fiscal Year 1998

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**ENVIRONMENTAL COMMISSION REGULATORY HEARINGS**

The Environmental Commission held one regulatory hearing during the quarter. A total of two petitions were adopted. Below is a summary of petitions adopted by the Commission.

**Petition 98005 (LCB R-062-98)** is a permanent amendment to NAC 445A.194 to NAC 445A.201 for revisions to the water quality standards for Las Vegas Wash, Las Vegas Bay and Lake Mead. The proposed revisions add explanation of requirements to maintain existing higher quality (RMHQ). The regulation removes all references to "90% of the samples" and replace the language with "95% of the samples" for RMHQs. The pH standard for Lake Mead water quality standards in NAC 445A.194 and 445A.195 was revised and a standard for escherichia coli added. NAC 445A.196 and 445A.197, the standards for the Las Vegas Bay, were amended to add RMHQs for chlorophyll a at stations LM4 and LM5 and to revise the standard for pH and nitrite. NAC's 445A.198 through NAC 445A.201 were amended to add a standard for total suspended solids, revised the standard for pH in the lower reach and revised the RMHQ for total dissolved solids.

Of note, the Commission also acted to inform the members of the Lake Mead Water Quality Forum that the Commission was concerned about the continued erosion of the Las Vegas Wash and that the Commission wanted to see that the waters of the Las Vegas Wash become fishable. The letter will be drafted and sent out the beginning of the FY 1999 period.

**Petition 98006 (LCB R-063-98)** is a permanent amendment to NAC 445B that updates the Environmental Commissions Rules of Practice. The petition amended NAC 445B.890 (Request for Hearing) by updating the address and zip code of the Commission. Updates to the Rules of Practice are fulfilled in accordance to NRS 233B.050(d).

Note: The regulatory workshop for petition 98006 (LCB R-063-98) was held on March 25, 1998, by the Environmental Commission during its regular regulatory hearing. Notice for the workshop was published in conjunction with the March 25, 1998, public notice. Notice of the workshop was also placed upon the agenda for the March 25, 1998, hearing.

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**Non Regulatory Items**

The Environmental Commission will conducted a preliminary examination of the complaint from Mr. Robert Hall of the Nevada Environmental Coalition regarding the Clark County Health District air pollution control program pursuant to Nevada Revised Statute (NRS) 445B.520 and 445B.530. This examination consisted of a determination of whether to accept the petition and for the matter to be scheduled for hearing on the air emission trading program's adequacy.

The petition by Mr. Robert Hall requested that the Environmental Commission act to supersede and assume jurisdiction over the Clark County Health District's air pollution program as provided for in NRS 445B.520. The complaint alleges that the Health District has established an emissions offset program that violates the Nevada constitution and state law. In addition, the complaint alleges that the Clark County Health District is proceeding on a fuel standards reform program that is in violation of NRS 445B.505. Other complaints have been alleged relative to the statutory authority of the Health District to conduct an air pollution control program.

The Commission acted to instruct the Division of Environmental Protection to review the Clark County Health District's air emission trading and credit program and to report back to the Commission at the next regulatory hearing.

**APPEAL HEARINGS**

No appeal hearings were held in this quarter. An appeal hearing for Sierra Chemical was scheduled, however the appellant withdrew their appeal prior to the hearing.

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**SETTLEMENT RATIFICATION**

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1306	Mt. Hamilton Mining Company	\$ 3,360	White Pine
NOAV # 1304	Homestake Mining Co.	\$ 540	Eureka
QUARTERLY TOTALS		\$ 3,900	
FISCAL YEAR 1998 TOTALS		\$ 56,099	

**OVERTIME ACCRUED**

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

**AS PREPARED BY**

David R. Cowperthwaite, Executive Secretary

July 9, 1998